

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ANGELINA GUTIERREZ,**

**Plaintiff,**

**v.**

**Case No. 1:15-cv-708**

**CORIZON HEALTH, INC.**

**Defendant.**

**NOTICE OF REMOVAL**

Corizon, Inc. (hereinafter “Defendant”) by and through its counsel of record, Chapman and Charlebois, P.C., (Nicole M. Charlebois and Mark D. Trujillo), hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and in support thereof, states as follows:

1. Plaintiff Angelina Gutierrez (“Plaintiff”) filed her Complaint for Damages (“Complaint”) in the First Judicial District, Santa Fe County, State of New Mexico, in Cause No. D-101-CV-2015-01643 (hereinafter “State Court Action”) on July 15, 2015. (See Plaintiff’s Complaint, attached hereto as Exhibit A).

2. In her Complaint, Plaintiff alleges she is a resident of the State of New Mexico. (*Id.* at ¶ 2).

3. Plaintiff named Defendant, Corizon Health, Inc., as the only Defendant in Plaintiff’s Complaint.

4. Defendant asserts its principal place of business is in the state of Tennessee, and is also incorporated in the state of Delaware.

5. Diversity of citizenship is present in this matter as set forth in 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(b)(2).

6. Defendant accepted service through telephonic communication on July 25, 2015 and filed its waiver of acceptance of service on August 11, 2015. (See Exhibit B).

7. Less than thirty (30) days have passed since Defendant accepted service of the initial pleadings on this matter.

8. As Defendant has accepted service and is the only Defendant served in this matter, 28 U.S.C. § 1446(b)(2)(A) is satisfied. (See Register of Actions for the State Court Action, hereto attached as Exhibit C)

9. Pursuant to Plaintiff's complaint allegations, the amount in controversy exceeds \$75,000, as set forth in 28 U.S.C. §§ 1441(b)(2).

10. This case may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §§ 1441(b) and 1446.

11. By and through this Notice of Removal, Defendant removes all claims asserted against it on the basis of diversity jurisdiction, which is conferred upon this Court pursuant to 28 U.S.C. §§ 1332 and 1441.

12. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being concurrently served upon the Plaintiff on this date.

13. Pursuant to 28 U.S.C. § 1446(d), Defendant is concurrently filing a Notice of Filing of Removal in the State Court Action, a copy of which is hereto attached as Exhibit D.

14. In addition to the Notice of Filing Notice of Removal in the State Court Action, Defendant is concurrently filing an Entry of Appearance in the State Court Action on this date, a copy of which is hereto attached as Exhibit E.

15. Pursuant to 28 U.S.C. § 1446(a) and D.N.M.LR-Civ. 81.1(a), all process, pleadings, and orders from the State Court Action will be filed with this Court in a separate Transmittal of State Court Record within twenty-eight days (28) of this Notice.

16. A Civil Cover Sheet for this Court is hereto attached as Exhibit F.

**WHEREFORE**, the removing Defendant gives notice the above-styled action, which was pending in the First Judicial District, Santa Fe County, State of New Mexico, as Cause No. D-101-CV-2015-01643 is removed to this Court.

Respectfully Submitted,

**CHAPMAN AND CHARLEBOIS, P.C.**

/s/ Mark D. Trujillo

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*Attorneys for Defendant Corizon Health Inc.*

I HEREBY CERTIFY that on the 12<sup>th</sup> day of August, 2015, I filed the foregoing electronically through the CM/ECF system, which caused the following counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing, and by first class mail to the following counsel of record:

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/s/ Mark D. Trujillo